

Docket No.: 6550-000072/NPB  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Richard F. Allison

Application No.: 10/561,720                          Confirmation No.: 9816

Filed: December 22, 2005                          Art Unit: N/A

For: EXPRESSION OF A RECOMBINANT  
TRANSGENE                          Examiner: Not Yet Assigned

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**RESPONSE TO NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR**  
**PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID**  
**SEQUENCE DISCLOSURES;**  
**AMENDMENT DIRECTING ENTRY OF CRF SEQUENCE LISTING AND**  
**STATEMENT PURSUANT TO 37 CFR 1.821(f)**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attn: Winston M. Alvarado

Dear Sir:

Submitted herewith for filing in response to the Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures mailed March 24 2006, for which a response is due May 24, 2006, is a labeled, computer readable copy of the Sequence Listing included in the application.

Please enter the enclosed computer readable copy of the Sequence Listing into the above referenced Application. Applicants note that the enclosed Sequence Listing is provided for search purposes only.

I hereby state that I have reviewed the paper copy of the Sequence Listing contained on pages 1 to 5 of said Sequence Listing, as required by 37 CFR 1.821(c), and have reviewed the computer readable form of the Sequence Listing, as required by

37 CFR 1.821(e), and that the content of the paper and computer readable copies for the above-referenced patent application are the same as required by 37 CFR 1.821(f).

Early favorable consideration of the patent application is respectfully solicited.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0750, under Order No. 6550-000072/NPB from which the undersigned is authorized to draw.

Dated: May 24, 2006

Respectfully submitted,

By   
Mark S. Scott

Registration No.: 43,101  
HARNESS, DICKEY & PIERCE, P.L.C.  
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(248) 641-1237  
Attorney for Applicant

Notice To Comply  
Due 5-24-2006



UNITED STATES PATENT AND TRADEMARK OFFICE

JMLF✓

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/561,720	Richard F. Allison	6550-000072/NPB
INTERNATIONAL APPLICATION NO.		
PCT/US04/21451		
27572	I.A. FILING DATE	PRIORITY DATE
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303	07/02/2004	07/03/2003

**CONFIRMATION NO. 9816**  
**371 FORMALITIES LETTER**



\*OC000000018337145\*

Date Mailed: 03/24/2006

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

WINSTON M ALVARADO

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Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/561,720	PCT/US04/21451	6550-000072/NPB

FORM PCT/DO/EO/922 (371 Formalities Notice)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		<b>ATTORNEY'S DOCKET NUMBER</b> 6550-000072/NPB
INTERNATIONAL APPLICATION NO. PCT/US2004/021451	INTERNATIONAL FILING DATE 2 July 2004	U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/561,720
<b>TITLE OF INVENTION</b>  EXPRESSION OF A RECOMBINANT TRANSGENE		<b>PRIORITY DATE CLAIMED</b> 3 July 2003
<b>APPLICANT(S) FOR DO/EO/US</b> Richard F. Allison		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))        a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).        b. <input type="checkbox"/> has been communicated by the International Bureau.        c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).        a. <input type="checkbox"/> is attached hereto.        b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))        a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).        b. <input type="checkbox"/> have been communicated by the International Bureau.        c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.        d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
<p><b>Items 11 to 20 below concern document(s) or information included:</b></p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/561,720		INTERNATIONAL APPLICATION NO. PCT/US2004/021451	ATTORNEY'S DOCKET NUMBER 6550-0000072/NPB	
20. <input checked="" type="checkbox"/> Other items or information: Certificate of Express Mailing (Label EV 805 534 729 US); Response to Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures, Amendment Directing Entry of CRF Sequence Listing and Statement Pursuant to 37 CFR 1.821(f); Sequence Listing - paper copy (5 pages); Copy of Form PCT/DO/EO/922 (371 Formalities Notice); Return Receipt Postcard				
The following fees have been submitted			CALCULATIONS	PTO USEONLY
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)) ..... \$300			\$	
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$0 All other situations ..... \$200			\$	
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB ..... \$400 All other situations ..... \$500			\$	
TOTAL OF 21, 22 and 23 =			\$ 0.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	
- 100 =	/50 =		x \$250.00	\$
Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).			\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	- 20 =		x	
Independent claims	- 3 =		x	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+	
TOTAL OF ABOVE CALCULATIONS =			\$ 0.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.			0.00	
SUBTOTAL =			\$ 0.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).			\$	
TOTAL NATIONAL FEE =			\$ 0.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property			\$	
			\$	
TOTAL FEES ENCLOSED =			\$ 0.00	
			Amount to be refunded:	\$
			Amount to be charged	\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a.  A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.



SIGNATURE

SEND ALL CORRESPONDENCE TO:

Monte L. Falcoff  
HARNESS, DICKEY & PIERCE, P.L.C.  
P. O. Box 828  
Bloomfield Hills, MI 48303  
United States of America

Mark S. Scott

NAME

CUSTOMER NUMBER: 27572

43,101  
REGISTRATION NUMBER

Dated: May 24, 2006

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. **EV 805 534 729 US** in an envelope addressed to:

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on May 24, 2006  
Date

  
Signature

Mark S. Scott

Typed or printed name of person signing Certificate

43,101  
Registration Number, if applicable

(248) 641-1600  
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

1. Certificate of Express Mailing (Label EV 805 534 729 US);
2. Transmittal Letter to the DO/EO/US (3 pages, in duplicate);
3. Response to Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures, Amendment Directing Entry of CRF Sequence Listing and Statement Pursuant to 37 CFR 1.821(f);
4. Sequence Listing - paper copy (5 pages);
5. Copy of Form PCT/DO/EO/922 (371 Formalities Notice);
6. Computer Readable Format of Sequence Listing (1 diskette);
7. Return Receipt Postcard